

Minutes of the Planning Commission meeting held on Thursday, June 18, 2009, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jeff Evans, Chair
 Jim Harland, Vice Chair
 Karen Daniels
 Kurtis Aoki
 Tim Taylor
 Sheri Van Bibber
 Ray Black
 Tim Tingey, Director of Community & Economic Development
 Chad Wilkinson, Community Development Planner
 G.L. Critchfield, Deputy City Attorney
 Citizens

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Jeff Evans opened the meeting and welcomed those present.

APPROVAL OF MINUTES

Karen Daniels made a motion to approve the minutes as written for June 4, 2009. Seconded by Jim Harland.

A voice vote was made. The minutes were approved unanimously, 7-0.

CONFLICT OF INTEREST

There were no conflicts of interest noted regarding this agenda.

WHISTLE STOP – 223 West Winchester Street, Project #09-37

William Green was the applicant present to represent this request. Chad Wilkinson reviewed the location and a request for a temporary Conditional Use Permit for a shaved ice/coffee sales stand. The property is located in the R-N-B zone. Parking will be located to the south of the kiosk. One of the conditions recommended by staff is that a permanent Conditional Use Permit must be approved by December 18, 2009 or the use must be discontinued by that time. Staff is recommending approval of the Conditional Use Permit.

William Green, 223 West Winchester Street, confirmed that he has reviewed the staff recommendations, and does understand the time limitation. Mr. Green stated that this has been a long process, and he complimented Ray Christensen, City Planner, for his help with the process.

Karen Daniels asked Mr. Green about his anticipated timeline for opening the kiosk. Mr. Green responded that he is hoping to be open by July 4, 2009.

Jim Harland asked if the redwood deck shown on the plans is a temporary structure or permanent, and if it will be constructed immediately. Mr. Green responded that he plans on building the deck immediately.

Mr. Harland asked about pedestrian safety on Winchester Street, which is a busy street, and if any provisions have been made, such as a crosswalk. Mr. Green responded that he has petitioned the Department of Transportation to add a crosswalk from the driveway of the TRAX station across Winchester Street. He hasn't been successful in gaining support from the Department of Transportation. This issue also came up during a City Council meeting. Mr. Green stated that a recent rerouting of Cottonwood Street will help, as a crosswalk has been added there. However, Mr. Green doesn't think that crosswalk is adequate and intends to follow through on the petition to UDOT, regardless of whether his Conditional Use Permit is approved.

Sheri Van Bibber asked about anticipated hours of business. Mr. Green responded that he expects to start with limited hours, 9:00 a.m. to 6:30 or 7:00 p.m. He doesn't expect staying open very late as that would not be conducive to the neighborhood and traffic slows down by that time.

Tim Taylor asked if the 20 foot setback is from the sidewalk to the closest point of the structure, instead of farthest point. It appears from the plans that the structure should be moved a bit further to the south and west. Chad Wilkinson responded that the setback is measured from the closest point, and when the building permit is issued that concern will be addressed.

Mr. Aoki asked who is responsible for the crosswalk. Jeff Evans stated that Winchester is a City road. Chad Wilkinson stated that there have been discussions with UTA representatives as they've been working on the realignment of Cottonwood Street and the new TRAX line. UTA is looking at options for pedestrians in that area, but a final decision has not been made. Mr. Wilkinson stated that it would be a joint effort between the City and UTA to identify a safe crossing area for pedestrians. He suggested that there should be a resolution on this issue prior to approval of a permanent Conditional Use Permit.

There were no public comments related to this item.

Karen Daniels made a motion to approve a 6 month temporary Conditional Use Permit for the Whistle Stop, located at 223 West Winchester Street, subject to conditions:

1. The project shall meet all applicable building code standards. The Building Official noted the structure whether temporary or permanent will need to be anchored securely to meet seismic and wind forces. Stamped and sealed plans from appropriate design professionals to meet currently adopted codes including plumbing and electrical, etc., must be provided.
2. The project shall meet all current fire codes.

3. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and installed as approved prior to occupancy. The plan shall show landscaping within the 5 foot area surrounding the parking lot meeting the requirements of the Code and/or previous approvals for the property.
4. The trash container shall be screened as required by Section 17.76.170.
5. The applicant will need to remove the structure by December 18, 2009, unless the applicant obtains approval from the Planning Commission for a permanent business use prior to the expiration date of the 6 month temporary C.U.P.
6. The City Engineer will require repair of any trip hazards or damaged curb and gutter. A drainage plan will be required for the parking lot.
7. The buffer wall at the south boundary will need to be installed by the end of the 6 month temporary approval in conjunction with approval of a C.U.P. for permanent use by the Murray Planning Commission.

Seconded by Sheri Van Bibber.

Call vote recorded by Tim Tingey.

A Ms. Daniels
A Ms. Van Bibber
A Mr. Taylor
A Mr. Harland
A Mr. Evans
A Mr. Black
A Mr. Aoki

Motion passed, 7-0.

U STORE IT – 4640 South 900 East, Project #09-34

Jeff Krantz with Young Electric Sign Company was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for an electronic message sign. An existing storage facility is on this property, which is in the C-D-C zone. The property borders some unincorporated Salt Lake County property. The proposed sign dimensions are in accordance with the code. When a Conditional Use Permit is required, the site must be within the standards of the code. There were a few items noted that were not within the standards, specifically the fence and a 10 foot landscape requirement, which are addressed in the conditions. Staff is recommending approval.

Jeff Evans asked Mr. Wilkinson to review the general requirements related to electronic message signs. Mr. Wilkinson responded that electronic message signs are required to be dimmed at night, and there are some requirements related to the number of watts allowed, which is 54 watts during the day and 30 watts at night. Signs are not allowed to

flash or scintillate. There is a two second time limit for word changes in order to reduce a flashing effect. In this situation where there are residential areas within 500 feet, the sign is not allowed to operate between 10:00 p.m. and 6:00 a.m. There is a requirement that 5% of the sign time be devoted to public service messages.

Jeff Krantz stated that he will advise his client of the fence provision, and there is no problem meeting the other conditions specified by staff. The sign can be programmed to turn off at 10:00 p.m. and the public services messages are reasonable. Jeff Evans asked if Mr. Krantz was in a position to agree to the other conditions on behalf of his client. Mr. Krantz responded that he is not authorized to do so, that the owners are not in-state and there will most likely be a manager assigned to work directly with staff. Mr. Krantz clarified that if this is approved based upon compliance with a non-conforming item, he will advise the company about the conditions of approval and they will work directly with staff on a solution.

Jeff Evans stated that there have been a lot of requests for electronic message signs, but this is the first that he recalls having conditions related to fencing and landscape. Mr. Harland stated that the only solution is to meet the conditions and that they are not negotiable.

Jeff Krantz stated that installing an electronic message sign will help clean up the property. There will no longer be a need to attach signs to the fence regarding sale items.

Kurtis Aoki asked if Mr. Krantz is authorized to represent the applicant for all of the elements related to the application. Jeff Evans responded that there have been previous instances where an item is approved with no applicant present. Sheri Van Bibber stated that the approval process, with conditions, would remain the same.

Kurtis Aoki asked Mr. Krantz if the height of the sign is going to change. Mr. Krantz responded that the engineering doesn't change at all. The metal pylon covering will be removed and a 3 x 9 LED will be installed. The overall height and mass won't change.

Chad Wilkinson clarified that the Conditional Use Permit is what requires compliance with the code standards, not the sign specifically. He also stated that both the owner and applicant received copies of the staff report prior to the meeting, so there is an opportunity to review the conditions even if they don't attend the meeting.

Tim Taylor asked Mr. Wilkinson if a sign hanging on the fence is in compliance with sign codes. Mr. Wilkinson responded that it is not in compliance.

Bonnie Sweet, 4583 Red Sage Lane, is a resident to the north of this property. She stated that she was concerned about the sign flashing at night, however, since she has now learned that the sign won't be operating between the hours of 10:00 p.m. to 7:00 a.m. that is no longer a concern. She stated that this property is a blight area and doesn't fit in well with the surrounding properties. She requested clarification on the fencing requirements.

Chad Wilkinson stated that the existing fence is approximately 6 feet tall. The maximum allowed is a 3 foot high solid fence, or a 4 foot high fence that has 75% visibility, such as chain link or wrought iron.

Ms. Sweet stated that she would prefer a fence that is solid because the building is not appealing. Mr. Evans stated that the positive aspect of this application is that the property will now be forced to come into compliance and be cleaned up in order for the sign to be installed.

Tim Taylor made a motion to grant a Conditional Use Permit for an electronic message sign for U Store It, located at 4640 South 900 East, subject to conditions:

1. The project shall meet all applicable building code standards. Stamped and sealed plans and calculations from a structural engineer addressing the additional loads to the existing sign must be submitted as part of the permitting process.
2. The project shall meet all current fire codes.
3. A formal landscaping/sprinkler plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and be installed as approved prior to issuance of a sign permit.
4. The front fence will need to be reduced to 3 ft. high solid or 4 ft. high with 75% open visibility type fencing prior to issuance of a sign permit.
5. The sign shall meet all applicable sign code regulations.

Seconded by Karen Daniels.

Call vote recorded by Tim Tingey.

A Mr. Taylor
A Ms. Daniels
A Ms. Van Bibber
A Mr. Harland
A Mr. Evans
A Mr. Black
A Mr. Aoki

Motion passed, 7-0.

Meeting adjourned.

B. Tim Tingey
Director of Community & Economic Development